

Case #FEL-001P

REMARKS

Claims 25-32 were pending in the application. Independent claims 25 and 26 have been amended. No claims have been added or cancelled. Thus, claims 25-32 stand subject to continued examination. Each of these claims is believed to be in condition for allowance. Accordingly, an action to that effect is requested at this time.

ART REJECTIONS:

All claims currently stand rejected as being obvious over U.S. Patent 6,287,407 to Stein et al. in view of U.S. Patent 3,683,921 to Brooks. In view of the amendments to the independent claims as set forth above, all outstanding rejections on the basis of Stein et al. as the primary reference are respectfully traversed and reconsideration is requested at this time.

Each of the claims has been amended to positively recite that a portion of the fiber elements in adjacent layers of the nonwoven fiber material are intermingled with one another and with the adhesive. Support for this claim element is found at page 10, lines 17-27 of the application as originally filed. The primary reference to Stein teaches away from such multi-layer intermingling and would likely be rendered unsuitable for its intended purpose if this characteristic were introduced. Accordingly, it is respectfully submitted that the references of record do not provide the requisite *prima facie* case of obviousness.

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MPEP section 2143.01 indicates that even if references can be combined or modified in the manner proposed, a *prima facie* case obviousness is not established unless prior art also suggests the desirability of the proposed modification. *In re Mills*, 916 F.2d 680 16 USPQ2d 1430 (Fed. Cir. 1990). In this regard a prior art reference must be considered in its entirety, including portions that would lead away from the claimed invention. The MPEP further states that if the proposed combination or modification would change the principle of operation of the prior art invention being modified, or would render the prior art invention being modified unsatisfactory for its intended purpose, there is no suggestion or motivation to make the proposed modification.

In the present case, the primary reference to Stein et al. teaches specifically against the mixture of fibers between layers. In this regard, the primary reference advocates using fork or crown needles with a depth such that when piercing through the layered structure they completely fill up with fibers for the base fabric facing the needles (i.e. the top layer) . In this way the needles push unmixed pure fibers to the reverse side. This is done with the express purpose of avoiding intermixture of fibers from layers of different colors so as to provide a sharp pattern on the back. While such push-through needling may provide a degree of structure to the needled material, it does not do so by intermingling. To the contrary, if the fibers in the adjacent layers of Stein et al. were intermingled (i.e. blended) with one another across the layer boundary the colors would be mixed thereby reducing the contrast expressly against the teachings of the reference and fundamentally changing the principle of operation.

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In light of the fact that the primary reference appears to teach expressly against the invention as presently claimed, it is respectfully submitted that reconsideration and withdrawal of all outstanding rejections is appropriate at this time.

CONCLUSION / AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT:

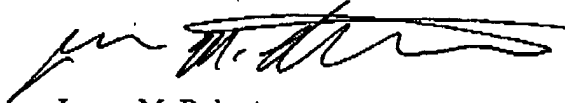
On the grounds as set forth above, Applicants respectfully request that all claims be passed to issue. While an attempt has been made to address all outstanding issues, to any extent that one or more issues remain, the undersigned respectfully requests a telephone conference to resolve such issues.

A request for a one month extension of time accompanies this amendment. To any extent required, a petition for an additional extension of time is hereby made.

Please charge any fees required for acceptance of this amendment including extension of time fees to Deposit Account 50-2802.

Respectfully submitted,

December 29, 2003

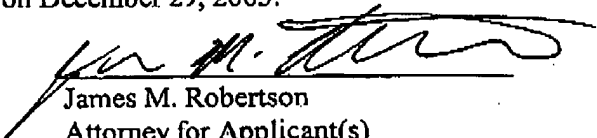


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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 703-872-9306 on December 29, 2003.


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